UNITED STATES PATENT AND TRADEMARK OFFICE

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10/810,407	03/26/2004	Rocky Harry Nevin III	RKNV-111	8583

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>25 November 2009</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>44,60-62 and 81</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>44,60-62,81</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

a. This action is taken to response to amendments and remarks filed on 11/25/2009.

b. Claims 44, 60-62, and 81 are pending in this Office Action. Claims 41-43 and 66 are canceled and claim 81 is new.

Terminal Disclaimer

The terminal disclaimer filed on 11/25/2009 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US Patent 6,714,936 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 44, 60-62, and 66 are rejected under 35 U.S.C. 102(e) as anticipated by Weinberg et al. (U.S. 6,144,962, hereinafter Weinberg).

As to claim 44, Weinberg discloses **a method for creating a highly connected network of nodes indicative of computer-readable data** (Fig. 1), **including the steps of** :

capturing data contained in at least one legacy database (Figs. 7, 13-15, col. 3, lines 11-15, 31-36, lines 44-63, col. 17, lines 59-61, col. 28, lines 34-37, scanning and mapping of Web sites, and includes the above-described GUI features for facilitating navigation of Web site maps, col. 24, lines 7-11, database query in connection with a URL of a site map);

structuring the captured data as a set of linked nodes (Figs. 1, 7, 13-15, col. 9, lines 1-3, col. 25, lines 43-56, The lines which interconnect the nodes (URL icons) in FIGS. 1-3 (and the subsequent figures with screen displays) represent links between URLs), **wherein each of the nodes includes at least one link to another one of the nodes** (Fig. 1, col. 12, lines 17-21, all of the nodes of the site map (with the exception of the home page node) are displayed as having a single incoming link, even though some of the URLs of the depicted Web site actually have multiple incoming links), **and the set of linked nodes is structured such that when one of the nodes is designated as a point of view, representations of the nodes can be displayed as a sea of node representations** (Figs. 13-15, col. 25, line 43 to col. 26, line 19, simple database query was entered into a search page of the Infoseek.TM. search engine [i.e. select Infoseek.TM as a point of view]. FIG. 13, which is the first display screen of the sequence, illustrates a simple map 190 generated by opening a new map and then specifying http://www.infoseek.com/ as the URL. Displayed at the center of the map is the form page icon for the Infoseek.TM. search page. The 20 children 192 [i.e. a sea of node representations] of the form page icon correspond to external links);

designating one of the nodes as the point of view (Figs. 13-15, col. 25, line 43 to col. 26, line 19); and

displaying said representations of the nodes as said sea of node representations, viewed from said point of view (Figs. 13-15, col. 25, line 43 to col. 26, line 19), **wherein said sea of node representations includes virtual reality renderings** (Figs. 4-6, col. 7, lines 55-62, col. 10, lines 59-61).

As to claim 60, Weinberg discloses **a method for associating linked nodes** (Fig. 1), **wherein each of the nodes contains computer-readable data, at least one link to another one of the nodes, and a link identification for each event which links said each of the nodes to another one of the nodes** (Figs. 1-4, col. 3, lines 9-30, col. 12, lines 17-21), **and wherein the linked nodes are structured such that when one of the nodes is designated as a point of view, representations of the nodes can be displayed as a sea of node representations** (Figs. 1-6, 13-15, col. 25, line 43 to col. 26, line 19) **said method including the steps of**:

storing, in a context node, a meaningful context common to a set of the nodes, wherein the context node is linked to each of the nodes in the set (Fig. 15, 200, 204, col. 25, line 43 to col. 26, line 12); **and**

sharing a single link identification among the nodes in said set, thereby associating the nodes that are identified by said single link identification (Fig. 15, link between Infoseek and Titles).

As to claim 61, Weinberg discloses the method of claim 60, also including the step of

modulating a connection strength of the links that are identified by said single link identification,

thereby sensitizing or desensitizing said links to further operations (Fig. 19, col. 28, lines 45 to

col. 29, lines 6).

As to claim 62, Weinberg discloses **a method of establishing a set of linked nodes**

from data organized in rows and columns with column headings (Figs. 1, 4 and col. 16, lines

40-57, where a set of linked nodes is established from a list view in which data organized in row

and column in the list view represents a linked node), **wherein each of the nodes includes at**

least one link to another one of the nodes (Figs. 1, 4), **the nodes are indicative of computer-**

readable data, and the set of linked nodes is structured such that when one of the nodes is

designated as a point of view, representations of the nodes can be displayed as a sea of node

representations, viewed from said point of view (Figs. 13-15, col. 25, line 43 to col. 26, line

19, simple database query was entered into a search page of the Infoseek.TM. search engine [i.e.

select Infoseek.TM as a point of view]. FIG. 13, which is the first display screen of the sequence,

illustrates a simple map 190 generated by opening a new map and then specifying

http://www.infoseek.com/ as the URL. Displayed at the center of the map is the form page icon

for the Infoseek.TM. search page. The 20 children 192 [i.e. a sea of node representations] of the

form page icon correspond to external links), **said method including the steps of**:

representing each of the column headings by an abstract node (Figs. 1, 4 and col. 16,

lines 40-57, annotation is represented as an abstract node 76);

representing each cell of the data by a data node (Figs. 1, 4 and col. 16, lines 40-57, each line of text displayed in the list view window 78 represents one node of the site map);

establishing links between each said abstract node and each said data node that corresponds to a cell in a column whose column heading is represented by said abstract node (Figs. 1, 4 , col. 17, lines 5-20); and

establishing links between each said data node that corresponds to a cell in one of the rows (Figs. 1, 4 and col. 16, lines 40-57, col. 17, lines 5-20, select a node in the upper window 76, the corresponding line in the List View window 78 is automatically highlighted).

As to claim 62, claim 66 recites similar limitations as discussed in claim 41 above and is therefore rejected along the same rationale. Furthermore, Weinberg discloses hierarchical file directory structures that display links between file directory and files (col. 2, lines 43-45, col. 12, lines 2-4, to display other types of hierarchical data structures, such as the tree structure of a conventional file system, col. 36, lines 42-43, the tree data structure represents a locally-stored arrangement of files and file directories).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 81 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weinberg et al.

(U.S. 6,144,962, hereinafter Weinberg) in view of Beaudet et al. (US Patent 5,515,487,

hereinafter Beaudet).

As to claim 81, Weinberg discloses **a method for creating a highly connected network**

of nodes indicative of computer-readable data (Fig. 1), **including the steps of** :

capturing data contained in at least one legacy database (Figs. 7, 13-15, col. 3, lines

11-15, 31-36, lines 44-63, col. 28, lines 34-37, col. 17, lines 59-61, scanning and mapping of

Web sites, and includes the above-described GUI features for facilitating navigation of Web site

maps, col. 24, lines 7-11, database query in connection with a URL of a site map);

structuring the captured data as a set of linked nodes (Figs. 1, 7, 13-15, col. 9, lines 1-

3, col. 25, lines 43-56, The lines which interconnect the nodes (URL icons) in FIGS. 1-3 (and the

subsequent figures with screen displays) represent links between URLs), **wherein each of the**

nodes includes at least one link to another one of the nodes (Fig. 1, col. 12, lines 17-21, all of

the nodes of the site map (with the exception of the home page node) are displayed as having a

single incoming link, even though some of the URLs of the depicted Web site actually have

multiple incoming links), **and the set of linked nodes is structured such that when one of the**

nodes is designated as a point of view, representations of the nodes can be displayed as a

sea of node representations (Figs. 13-15, col. 25, line 43 to col. 26, line 19, simple database

query was entered into a search page of the Infoseek.TM. search engine [i.e. select Infoseek.TM

as a point of view]. FIG. 13, which is the first display screen of the sequence, illustrates a simple

map 190 generated by opening a new map and then specifying http://www.infoseek.com/ as the

URL. Displayed at the center of the map is the form page icon for the Infoseek.TM. search page.

The 20 children 192 [i.e. a sea of node representations] of the form page icon correspond to

external links);

designating one of the nodes as the point of view (Figs. 13-15, col. 25, line 43 to col.

26, line 19); and

displaying said representations of the nodes as said sea of node representations,

viewed from said point of view (Figs. 13-15, col. 25, line 43 to col. 26, line 19), **wherein said**

sea of node representations includes virtual reality renderings (Figs. 4-6, col. 7, lines 55-62,

col. 10, lines 59-61).

Weinberg doses not explicitly disclose **at least some of the nodes are linked with links**

that determine at least one cyclic loop.

Beaudet discloses at least some of the nodes are linked with links that determine at least

one cyclic loop (Figs. 7A, 8A, col. 2, lines 12-13, displaying portions of complex graphs

including trees, directed acyclic graphs and <u>cyclic graphs</u> on a computer display screen).

Therefore, it would have been obvious to one skilled in the art at the time of the present

invention to modify the method of Weinberg to include a method for selectively displaying

portions of complex graphics including trees, directed acyclic graphics, and cyclic graphics on a

computer display screen as taught by Beaudet in order to retain information concerning all nodal

interconnections so that the graph information can be recalled correctly as required (Beaudet,

col. 2, lines 13-16).

Response to Amendment and Remarks

Applicant's remarks and arguments filed on 11/25/2009 have been fully and carefully considered.

Applicant's arguments based on newly amended features with respect to claim 81 have been fully and carefully considered but are moot in view of the new ground(s) of rejection. Refer to the corresponding sections of the claim analysis for details.

Applicant argues that Weinberg fails to teach or suggest displaying a sea of node representations viewed from a point of view, wherein said sea of node representations includes virtual reality renderings, as recited in claim 44. As explained in the specification, virtual reality renderings model data as physical objects in 3D (three dimensional) space. Applicant is unable to identify any suggestion in Weinberg, at cited FIGS. 4-6, col. 7, lines 55-62, or col. 10, lines 59-61 or elsewhere, to display a sea of node representations including virtual reality renderings viewed from a point of view. The Examiner respectfully disagrees.

First, the claim as it is written is completely silent regarding to the scope and definition of the "virtual reality". Based on the definition from webopedia (http://www.webopedia.com/TERM/v/virtual_reality.html), "virtual reality" is used more generally to refer to any virtual world represented in a computer, even if it's just a text-based or graphical representation and from vr.isdal.com, "Virtual Reality is a way for humans to visualize, manipulate and interact with computers and extremely complex data" The visualization part refers to the computer generating visual, auditory or other sensual outputs to the user of a world within the computer. This world may be a CAD model, a scientific simulation, or a view into a database (http://vr.isdale.com/WhatIsVR/noframes/WhatIsVR4.1-A.html). Therefore, the

Examiner interpreted the term "virtual reality" with the broadest interpretation to be "visualize, manipulate and interact with computer for a set of data".

Second, Weinberg teaches a visual Web site analysis program that allows the user to view and navigate complex Web structures while visualizing the interrelationships between the data entities of such structures (col. 10, lines 9-61). Therefore, the Examiner respectfully submits that Weinberg teaches the cited limitation "virtual reality".

Applicant further argues that Weinberg also fails to teach or suggest a method for associating linked nodes, where each of the nodes contains a link identification for each event which links said each of the nodes to another one of the nodes (as recited in claim 60). The Examiner respectfully disagrees.

Weinberg teaches the cited limitation as, using different node and link display colors to represent different respective levels of user activity. Using this feature, Webmasters can readily detect common "problem areas" such as congested links and popular Web site exit points (col. 3, lines 9-30). Furthermore, it should be noted that the recitation " a link identification for each event which links said each of the nodes to another one of the nodes" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and Kropa v. Robie, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Applicant argues that Applicant is unable to identify any suggestion in Weinberg, at cited

FIG. 1 or 4 or col. 16, lines 40-57 or elsewhere, to represent each of column headings (of the

recited type) by an abstract node. For example, Weinberg does not teach or suggest representing

the word "Annotation" or any other column heading in lower window 78 of Weinberg's FIG. 4 as

an abstract node. Upper window 76 of Weinberg's FIG. 4 display is not an abstract node. The

Examiner respectfully disagrees.

Weinberg discloses an abstract node as shown in Fig. 4, item 76, which contains all the

data nodes in the corresponding column, in this case, all the data row in the column named

"annotation".

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shew-Fen Lin whose telephone number is 571-272-2672. The examiner can normally be reached on 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Shew-Fen Lin /S. L./
Examiner, Art Unit 2166
January 16, 2010

/Hosain T Alam/

Supervisory Patent Examiner, Art Unit 2166